

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Michael McCarthy, et al.,

Plaintiffs

V.

Civil Action No.: 4:20-cv-10701-DPW

Charles D. Baker, in his Official Capacity  
as Governor of the Commonwealth of  
Massachusetts, et al.,

## Defendants

Cedrone, LLC d/b/a Shawsheen Firearms,  
et al.,

Plaintiffs

V.

Civil Action No.: 4:20-cv-40041-DPW

Charles Duane Baker, in his Capacity as  
Governor of the Commonwealth of  
Massachusetts, et al.,

## Defendants

**CEDRONE PLAINTIFFS' OPPOSED RENEWED APPLICATION FOR INJUNCTIVE  
RELIEF**

NOW COME the Plaintiffs in the case of Cedrone, LLC d/b/a Shawsheen Firearms, et al., v. Charles Duane Baker, in his Capacity as Governor of the Commonwealth of Massachusetts, et al., who respectfully renew their application for injunctive relief. As grounds therefore, Plaintiffs state as follows:

1. A video conference was held on May 7<sup>th</sup>, 2020, during which this Court considered

Plaintiffs' request for an order allowing the shooting ranges inside the Commonwealth to reopen.

2. During the aforesaid hearing, this Court declined to issue such an order as it lacked sufficient evidence on which to base such a decision.
3. Plaintiffs were given seven days in which to gather and submit evidence upon which this Court could base a ruling regarding the issue of whether shooting ranges should be allowed to reopen.
4. Plaintiffs have gathered the requisite evidence and it is attached hereto as exhibits A – F.
5. As detailed in Exhibit A, the outdoor shooting range located at Ashfield Rod & Gun Club has ample space in which to shoot and properly social distance. This would occur entirely outdoors.
6. As detailed in Exhibit B, the indoor shooting range located at Mass Firearms School has ample space in which to shoot and properly social distance. While this would occur indoors, social distancing coupled with the purge ventilation system located at Mass Firearms School would ensure the health and safety of those using the facilities.
7. As detailed in Exhibit C, the purge ventilation system in use at the Mass Firearms School effectively prevents the spread of particulate matter, including the Covid-19 virus.
8. As detailed in Exhibit D, the outdoor shooting range located at the Ayer Gun & Sportsmen's Club has both indoor and outdoor shooting ranges. The outdoor shooting ranges have ample space in which to shoot and properly social distance. The indoor shooting range has ample space in which to shoot, properly social distance, and also has a Hepa Filtration system.
9. As detailed in Exhibit E, the outdoor shooting ranges at Hardwick Rod & Gun Club have

ample space in which to shoot and properly social distance. This would occur entirely outdoors.

10. Furthermore, new research is developing which shows that increased air flow is helpful in preventing the spread of Covid-19 when it comes to indoor spaces. *Exhibit F*.
11. The Mass Firearms School and Ayer Gun & Sportsmen's Club, and other similarly situated but not named parties, have indoor ranges with ventilation systems designed to increase airflow. These systems, coupled with recent developments, show that it is likely any individual using indoor ranges, is at a decreased risk of contracting Covid – 19.
12. Given the foregoing, and the fact that shuttering all shooting ranges inside the Commonwealth does not bear up under intermediate scrutiny, the plaintiffs are entitled to injunctive relief allowing the shooting ranges inside the Commonwealth to reopen.
13. The plaintiffs refer back to the original filing for further argument.

### **CONCLUSION**

WHEREFORE, based on the foregoing, and other such arguments as may be advanced at time of hearing, Plaintiffs respectfully requests this Honorable Court issue a preliminary injunction allowing shooting ranges inside the Commonwealth to open, subject to appropriate health, safety and social distancing guidelines, and all other relief this Honorable Court deems just and proper.

Dated: May 13, 2020

Respectfully submitted,  
The Plaintiffs,  
By their attorney,

/s/ Andrew J. Couture  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 13, 2020.

/s/ Andrew J. Couture  
Andrew J. Couture

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I, Andrew J. Couture, certify that I have complied with the requirements of Local Rule 7.1, in that I have consulted with Counsel for the Defendants on this renewed application for injunctive relief, and that we were unable to narrow or resolve the issues presented.

/s/ Andrew J. Couture  
Andrew J. Couture